



433.015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
TINE HOLLAND FRIMANN :
Serial No.: 10/601,719 :
Filed: June 23, 2003 :
For: A VACCINE WITH A PRESERVATIVE:

475 Park Avenue
New York, N.Y. 10016
April 28, 2004

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Patents, P.O. Box 1450, Alexandria, VA 22313-1450
D. Halconer

Sir:

Responsive to the office action of April 2, 2004, Applicant requests
reconsideration of the application in view of the remarks presented herein.

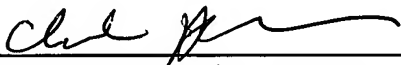
The claims in the application are claims 1 to 12, no other claims having been
presented.

The Examiner has required restriction between claims 1 to 8 drawn to a vaccine
formulation and claims 9 to 12 drawn to a base stock solution of excipients for the
preparation of vaccines containing a preservative. The Examiner is of the opinion that
the two inventions are unrelated since the vaccine of group I is used to treat or prevent
infection while the base stock of group II is a diluent that has no preventive properties.
Therefore, the Examiner deems that restriction is proper.

Applicant respectfully traverses this ground of rejection since it is believed that the two allegedly distinct inventions are related. Claims 1 to 8 are drawn to a vaccine comprising an immunogen, a preservative and excipients wherein the preservative is a combination of at least two paraben esters and 2-phenoxyethanol. Claims 9 to 10 are drawn to the base stock solution or preservative useful in claims 1 to 8 wherein the stock solution consists of excipients for the preparation of vaccines comprising an aluminum hydroxide gel and a combination of at least two paraben esters and 2-phenoxyethanol. Therefore, it is deemed that the inventions are related. However, in order to be fully responsive, Applicant elects with traverse the invention of claims 1 to 8.

Since the first office action was merely a restriction requirement, Applicant requests a prompt examination on the merits.

Respectfully submitted,
Muserlian, Lucas and Mercanti



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CAM:ds
Enclosures